

## COMMISSION MEETING MINUTES

### Indiana Fire Prevention and Building Safety Commission

Government Center South  
402 West Washington Street  
Indianapolis, Indiana 46204  
Conference Room B

March 6, 2007

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:03 am, March 6, 2007.
  - a. The following Commissioners were present at the Commission meeting:

Diana Brenner  
Michael Christoffersen  
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health  
Kevin Goeden, representing the Commissioner, Department of Labor  
David Hannum, Chairman  
John Hawkins  
M. Burke Jones  
Ted Ogle  
James Ridley
  - b. The following Commissioners were not present at the Commission meeting:

Michael Corey  
Jay Gore
  - c. The following departmental and support staff were present during the meeting:
    - (1) Agency Support Services, Legal and Code Services  
Mara Snyder, Director, Legal and Code Services  
William Teeguarden, Executive Administrative Law Judge  
Robert Robinson, Code Specialist  
Raleigh Kouns, Code Specialist  
John Haines, Code Specialist  
John Hibner, Code Specialist  
Beth Sutor, Secretary
    - (2) James Schmidt, Counsel for the Commission, Deputy Attorney General
2. **Old Business.**

Chairman David Hannum called for any corrections or a motion to approve the minutes of the February 6, 2007 meeting. A motion to approve the minutes as distributed was made by Commissioner Ridley and seconded by Commissioner Jones. It was voted upon and carried.

### 3. Variances.

#### Tabled Variances.

Variance 06-08-18(a)(b) Frank E. Irish, Indianapolis, was represented by Ralph Gerdes, Ralph Gerdes Consultants. In (a), the existing building had been used for steel fabrication by the previous owner. The new owner feels that the new code classifications apply and that he falls within the ten percent of total floor area used for combustibles storage. In (b), many of the things on the high pile storage racks are noncombustible. Some agreements have been reached with the Warren Twp. Fire Department, represented by Ben Coe, including the installation of a partial fire system with manual pulls and rooftop fans for venting smoke. No agreement has been reached over smoke detectors for a 40 foot ceiling. After discussion, Commissioner Cundiff moved to deny both with the second by Commissioner Ridley. It was voted upon and carried. Variance 07-02-1 Embassy Suites Hotel Indianapolis North, Indianapolis, was withdrawn by the proponent. Variance 07-02-6, Painted Exit doors, Greenwood, was represented by Tim Tapp, Director, Village Oaks at Greenwood. The building has one secured dementia unit and one assisted living unit. The walls and doors of the secured unit have murals and scenes from the patient's past painted on them. After discussion, Commissioner Christoffersen moved to approve with the condition that there be a maximum of twenty patients in the unit, that it be staffed by a minimum of two personnel per shift, and that the exits be marked with signs. Commissioner Ridley made the second. It was voted upon and carried. The proponent withdrew Variance 07-02-37, The Broadbent Building, Indianapolis.

#### Block Vote Variances

After noting that 07-03-27(c) , Marlin Elementary School, Bloomington, should have been listed as an "A" and would be eligible for the block vote, Commissioner Jones moved to approve all "A" and "B" variances. Commissioner Ogle made the second. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 07-03-1 St. Joseph County-City Building, Former Jail Renovation, South Bend
- (2) 07-03-2 St. Margaret Mercy Medical Pavilion South, Dyer
- (3) 07-03-5 Caribou Coffee Tenant Space, South Bend
- (4) 07-03-9 Progressive Hospital of Ft. Wayne, Ft. Wayne
- (5) 07-03-10 Portage 16 Theater, Portage
- (6) 07-03-11 New Elevator for Orange County Courthouse, Paoli
- (7) 07-03-19(b)(f)(h) Three Mass Condominiums, Indianapolis
- (8) 07-03-21 Daleville High School, Daleville
- (9) 07-03-22 Parkview LaGrange Hospital, LaGrange
- (10) 07-03-25(a)(b) Earlham College Barrett Hall, Richmond
- (11) 07-03-26 Earlham College Olvey-Andis Hall, Richmond
- (12) 07-03-27(a)(c) Marlin Elementary School, Bloomington
- (13) 07-03-32(c) 429 N. Pennsylvania Condominiums, Indianapolis
- (14) 07-03-33 Parcel B Elm Road Medical Campus, Mishawaka

#### Regular Variances.

The following variances were heard separately:

- (15) 07-03-3 Airplane Hanger, Elkhart

Evor Johns, Progressive Engineering, spoke as proponent. His request was to be allowed to use an air rotation heater which doesn't use a pilot light over the aircraft instead of a compliant unit. After discussion, Commissioner Cundiff moved to approve and the second was made by Commissioner Ogle. It was voted upon and carried.

Variance 07-03-4 Noblesville Honda, Noblesville was withdrawn by the proponent.

(16) 07-03-6 Lincoln Technical Institute Collision Repair, Indianapolis

Tim Callas, J & T Consulting, spoke as proponent. He requested to omit the 2-hour fire barrier. The building is sprinklered, and the 2006 IBC doesn't require area separation. After discussion, Commissioner Christoffersen moved to approve if Chapters 3 through 10 of the 2006 model International Building Code are complied with. Commissioner Hawkins made the second. It was voted upon and carried.

(17) 07-03-7 Shipshewana Flea Market Vendor Skid Building, Shipshewana

Paul Kimmerle, Kimmerle Engineering, spoke as proponent. The flea market, which has been in operation since 1945, is requesting to be allowed to have the skid buildings in place for more than the 90 days allowed for temporary buildings. The market operates for two days per week, six months per year, with additional days of operation for some holidays. After discussion, Commissioner Ogle moved to approve with the condition a site plan locating each skid building be submitted to the local building official annually. Commissioner Christoffersen made the second. It was voted upon and carried.

(18) 07-03-8 White County Memorial Hospital, Monticello

Beth Alexander, FP&C Consultants, spoke as proponent. The request was to eliminate smoke dampers and smoke alarms in the ductwork. The building will be fully sprinklered with quick response sprinklers. The HVAC system is self-contained and complies with the Life Safety Code, containing a smoke detection and shut-down system in the ductwork. Commissioner Hawkins moved to approve with the condition that the duct penetrations be sheet metal. Commissioner Ogle made the second. It was voted upon and carried.

(19) 07-03-12 Golden Years Homestead Health Center, Ft. Wayne

Robert Overton, InterDesign, spoke as proponent. The building design is that of a central core with a pod on each corner with corridors running from pod to core. He requested that the openings in the fire walls be more than the 25% allowed in the code. After discussion, Commissioner Ridley moved to table to allow time for the development of alternatives. Commissioner Christoffersen made the second. It was voted upon and carried.

(20) 07-03-13 Richmond Healthcare Campus, Richmond

Tim Huber, Ramsey Development, spoke as proponent. The local building official, Wayne Jackson, questioned if hospital grade MC cable should be used in the facility. He also asked why the building has an I-1 and an I-2 if the level of care is the same in all areas. He also noted that MC cable is listed on the drawings and has a skilled care area noted. Mr. Huber contended that the facility did not use electro-medical equipment of any type in any of their facilities, and had no intention of using any in the future. After discussion, Commissioner Christoffersen moved to approve with the condition that the owners will provide a statement to the Commission that they do not and will not use electro-medical equipment. Commissioner Ridley made the second. It was voted upon and carried.

**4. Breaking and Reconvening.** Chairman Hannum recessed the Commission at 10:12 am. After a short break, the Chairman reconvened the meeting at 10:27 am.

- (21) 07-03-14(a)(b) First Church of God Additions and Renovations, Muncie

Christina Collester, RTM Consultants, spoke as proponent. Variance (a) was a request to omit sprinklers since the building does not have sufficient water supply to support a system. Variance (b) is a request to use a 2-hour fire barrier, separating construction types, which is not structurally independent. After discussion, Commissioner Hawkins moved to approve both variances with the second by Commissioner Ogle. It was voted upon and carried.

- (22) 07-03-16 Good Samaritan Cancer Center and Physicians Offices, Vincennes

Rodney McCullough, RTM Consultants, spoke as proponent. During the projected twelve month construction period, the main exit will be closed which makes the other exits closer together than allowed by code. There will be an atmospheric separation between the two exits involved. Commissioner Christoffersen moved to approve with the condition that the variance only be valid for twelve months from the start date of construction. Commissioner Cundiff made the second. It was voted upon and carried.

- (23) 07-03-17(a)(b) Riley Hospital for Children Phase V Addition, Indianapolis

Rodney McCullough, RTM Consultants, spoke as proponent. The issue concerned the amount of liquid and gaseous O<sub>2</sub> present not being code-compliant in the new health care addition. Code changes have been prepared to correct the amount of medical gas storage allowed. Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (24) 07-03-18(a)(b) Eastern Hancock K-12 School, Charlottesville

Ed Rensink, RTM Consultants, spoke as proponent. In variance (a), the request was to delete the sprinkler system. The two small additions will serve as security checkpoint vestibules which don't have a fire barrier. There is a one-hour corridor in the elementary building, and they will be installing exterior exits from each affected classroom. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance (b) was an allowable area issue. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (25) 07-03-19(a)(c)(d)(e)(g) Three Mass Condominiums, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) was to allow elevator lobby vestibules to empty into one-hour corridors on floors two through nine. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Cundiff. It was voted upon and carried. Variance (c) was to allow those units with a calculated occupant load greater than ten to have only one exit. The maximum travel distance in these units is 140 feet. Commissioner Ridley moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (d) was to allow a path of egress travel to be 108 feet while code allows 75 feet. The building is sprinklered and the stairway is pressurized. Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (e) dealt with the first floor exit passageway which is affected by the building's triangular shape. A retail tenant and fire command center will open into the corridor which will have 90 minute doors. With the condition that "not an exit" signs and other exit directional signage be installed, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (g) is to allow the standpipes to be 65 psi instead of a compliant 100 psi at the top of the system. Commissioner Ridley moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (26) 07-03-20 Villagio at Page Pointe, Indianapolis

Doug Trent, RTM Consultants, spoke as proponent. There has been a request to combine two 2000 square foot units into a single 4000 square foot unit which will be served by a single exit instead of the 2 exits required by code. The building meets high rise requirements, and the travel distance is 173 feet. Corridors and tenant separations are two hour walls. After discussion, Commissioner Ogle moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (27) 07-03-23 Talbot's Building Omega 2<sup>nd</sup> Floor Renovation, Bloomington

Ed Rensink, RTM Consultants, spoke as the proponent. This downtown building is converting the second floor to five apartments, the largest being 1000 square feet and the smallest 600 square feet, and the request is to delete the required sprinkler system. A new exterior stairway will be installed to provide the second means of exiting. The first and second floors are separated by hard gypsum board ceiling and two-by-twelve hardwood. The flooring of the second story will be raised to allow plumbing lines, etc. to be installed without disturbing the first floor. There will be a horn and strobe in each unit and the system will be connected to the first floor as well. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (28) 07-03-24 St. Mary Catholic Church Sanctuary Renovation, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. The request is to allow a ramp to the altar level which will cover three risers for 21 inches. They do not wish to install intermediate landings, and they do not wish to install handrails on the baptismal font side of the altar area. After discussion, Commissioner Cundiff moved to approve. Commissioner Ridley made the second. It was voted upon and carried.

- (29) 07-03-27(b) Marlin Elementary School, Bloomington

Ed Rensink, RTM Consultants, spoke as proponent. The request is to omit the sprinkler system. The addition's square footage will require a sprinkler system to be installed. The addition will have a 2-hour separation and travel distance will be 110 feet. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (30) 07-03-28 Indiana State University College of Business Building, Terre Haute

This should have been an "A" variance. Commissioner Ogle moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (31) 07-03-29 Central Nine Career Center Building "A" Addition, Greenwood

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the building to be occupied before it is completely sprinklered. Due to funding, the construction will be phased over three years. Rodney Johnson, Greenwood Fire Department, does not object. Commissioner Ogle moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (32) 07-03-30(a)(b) Delta High School Renovation, Muncie

Ed Rensink, RTM Consultants, spoke as proponent. The building is over-area for its construction type. The request was to allow an exit stairway from the upper floor to ground level after an existing earth berm is removed. Storage rooms in the area will be sprinklered. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (b) was to allow the deletion of a required 2-hour fire barrier. Commissioner Ogle moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

(33) 07-03-31 French Lick Resort and Casino, French Lick

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. He was assisted by Brian Fagerstrom, Worth Group, and Matt Childers, Lauth Property Group. The issue was one of the exits traveling through the staging and service corridors. These will be defined by striping applied to the floors to show the area which must be kept clear for exiting, and personnel will be trained that no service carts, etc. are to be left within the striped area in any corridor. After a lengthy discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

(34) 07-03-32(a)(b)(d)(e)(f)(g)(h)(i) 429 N. Pennsylvania Condominium, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was for a fire command center which is smaller than required by code. After a brief discussion of dimensions, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (b) was to allow a non-compliant stair enclosure for a half flight of stairs leading to the main entrance door. After a brief discussion, Commissioner Cundiff moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (d) is a request to be allowed to keep the heavy timber roof construction as part of the addition. The attic area is sprinklered and a 2-inch layer of concrete will be installed, and the concealed spaces will also be sprinklered. Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (e) was to allow non-compliant glazed balcony windows and doors to be unprotected. They face an alley and a surface parking lot, and are on a property line. Extra sprinklers will be installed. Commissioner Ridley moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (f) was to allow a fifth-floor pedestrian walkway to omit the required 2-hour fire wall and opening protection. There will be additional sprinklers over the 90 minute doors, and there will be a 2-hour separation on the office side of the walkway. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Brenner. It was voted upon and carried. Variance (g) was to allow some units to have only one exit. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (h) was to allow some units to have two exits which are not remote enough to be compliant. Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (i) is to allow the stair enclosure to be supported by structural elements of the same rating. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Jones. It was voted upon and carried.

(35) 07-03-34 Physicians Office Building Community Hospital North, Indianapolis

clear height

Gene Morganson, Summit Construction, spoke as proponent. He requested a non-compliant for the elevator service door, the door having been raised 18 inches to keep water away from the equipment. After a short discussion, Commissioner Christoffersen moved to deny due to lack of hardship with the second by Commissioner Hawkins. It was voted upon and carried.

5. **Breaking and Reconvening.** Chairman Hannum recessed the Commission at 12:06pm. After a short break, the Chairman reconvened the meeting at 12:16pm.

- (36) E07-03-1 RR Long Range Strike, Indianapolis (Brian Bowerbank)
- (37) E07-03-2 RR Long Range Strike, Indianapolis (Randy Kelly)
- (38) E07-03-3 RR Long Range Strike, Indianapolis (Robert Lewis)
- (39) E07-03-4 RR Long Range Strike, Indianapolis (Harry Sutton)
- (40) E07-03-5 RR Long Range Strike, Indianapolis (Robert Titlow)

Mara Snyder, Code and Legal Services, and Tony Pagano, Training, explained that the variances are to allow the applicants to be granted their blasters licenses without the required one year experience or taking the required test. The amount of explosives involved is minor, will be used in the ignition of a rocket engine, and will be done only under controlled, scientific circumstances. It was also noted that there is not established testing for this use, making it impossible to meet that requirement. Commissioner Ridley moved to approve with the second made by Commissioner Christoffersen. It was voted upon and carried with one nay vote.

6. **Discussion and Commission Action.**

James B. Eads Elementary School  
Order – Office of the State Fire Marshal  
Administrative Cause No. 06-41  
Nonfinal Order of Dismissal

Wilbur Wright Middle School  
Order – Office of the State Fire marshal  
Administrative Cause No. 06-39  
Nonfinal Order of Dismissal

Trader's Point Creamery  
Order – Pike Twp. Fire Department  
Administrative Cause No. 07-06  
Nonfinal Order of Dismissal

BW Concrete Plus  
Order – Morgan Co. Planning Commission  
Administrative Cause No. 06-35  
Nonfinal Order of Dismissal

Commissioner Jones moved to approve the above-mentioned Nonfinal Orders of Dismissal. Commissioner Ogle made the second. It was voted upon and carried.

7. **Discussion of Final Order.**

Miller Poultry  
Challenge to Jurisdiction  
Administrative Cause No. 05-47  
Discussion of Final Order

Both parties had submitted proposed language as had been requested. James Schmidt, Commission Counsel, explained the possible actions which could be taken by the members of the Commission. A brief discussion of

positions was held before Commissioner Cundiff moved to adopt the proposed findings and order submitted by the Indiana Department of Homeland Security. Commissioner Hawkins made the second. It was voted upon and carried.

8. **Discussion of Remand to Commission.**

Parker Building  
Variance Requests 06-07-2(d)(h)  
Administrative Cause No. 06-36  
Remand to Commission

This is to be included on the April agenda for discussion.

10. **New Business – General.**

Discussion and Commission Action On Petitions For Review

Linton's Enchanted Gardens  
Condition of CDR #323779

Our Lady of Good Hope Catholic Parish  
Order – Fire and Building Code Enforcement

Commissioner Jones moved to grant the Petitions for Review. Commissioner Ridley made the second. It was voted upon and carried.

11. **Comments.**

Mara Snyder, Director of Code and Legal Services, thanked the members of the Commission for responding to the survey she had sent them. She also advised those present that the new variance application form is now on-line, and that it will be required for use in April for the May Commission meeting. Chairman Hannum requested that reports from the code committees be included for discussion on the April agenda.

12. **Adjournment.**

Commissioner Hannum called for further business. There being none, he adjourned the meeting at 12:34 p.m.

**APPROVED**

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David Hannum, Chairman